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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE: United States Patent Application Serial No.: 09/904,974

Filed: 07/12/2001

Applicant: Mark C. Moore

For: APPARATUS AND METHOD FOR FINISHING CONCRETE DURING A
LEVELING PROCESS

MAIL STOP PETITION
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION TO THE COMMISSIONER, Under Rule 1.181
For Late Filing of Inventor Declaration**

Sir:

This is a Petition under Rule 1.181 for late filing of the Inventor Declaration of the Applicant, Mark C. Moore. A check for \$130 to cover the Petition fee is enclosed.

Applicant had filed a Provisional Application on July 13, 2000. The undersigned attorney completed the patent application and sent it to the Applicant in California by facsimile and mail in early July, 2001. Applicant reviewed the specification, drawing, and claims, and signed the original Declaration. The only part of the complete Application which then had to be mailed back to Oregon was the original Declaration bearing ink signature. That original Declaration signed on July 10, 2001, is now enclosed.

On July 12, 2001, the signed copy of the Declaration had not yet been received in the mail, so undersigned attorney filed the Application by Express Mail in order to preserve the priority of the Provisional Application. An unsigned copy of the Declaration was included as part of the Application. The Declaration bearing ink signature which is enclosed herewith is identical to the unsigned copy originally submitted except for the signature.

The Office gave timely notice that the signed Declaration had not been filed with the Application. In response to that Notice the undersigned attorney then had the

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Applicant execute a Power of Attorney, which was submitted to the Office on September 27, 2001.

The original failure to timely submit the Declaration with original ink signature resulted from: Applicant's delay in reviewing the papers and returning the executed Declaration by mail to undersigned attorney, and the necessity of preserving the priority date of the Provisional Application.

The failure to submit the signed Declaration in response to the Notice of Missing Parts was partially due to the fact that the Patent Office had recently established separate printed forms for Declaration and Power of Attorney which had previously been combined on a single printed form; and the fact at that time that the undersigned attorney's office was in a state of turmoil resulting from difficulties in a short-lived partnership as well as turnover of staff personnel.

Please note that the undersigned attorney submitted Status Request letters on three dates, June 26, 2002; September 23, 2002; and January 8, 2003; none of which was answered by the Office.

Please also note that the Customer Number for the undersigned attorney is now 33306, which is different from the one that existed in July 2001, when the enclosed Declaration was signed by the Applicant.

Respectfully Submitted,



Gene W. Arant
Registration No. 17, 936
Attorney for Applicant

May 23, 2003

Enclosures: Signed Declaration
Petition fee check

Gene W. Arant
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